

is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308-311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, March 25, 2009.

Chairwoman LOUISE SLAUGHTER,  
House Rules Committee,  
Washington, DC.

DEAR CHAIRWOMAN SLAUGHTER: It is with deep personal regret that I learned of comments you made about my truthfulness at yesterday's Rules Committee hearing in describing the lack of access that disabled Americans and disabled veterans will have on federal lands covered under H.R. 146, the Omnibus Public Lands Management Act of 2009.

Having served on the Rules Committee for twelve years, I take particular exception to the fact you chose to direct your comments

at me only after I departed the hearing following my appearing before you as a witness for an hour. If there were doubts about the accuracy of what I stated, courtesy and fair play would mean allowing me the opportunity to rebut your accusations with the facts.

The facts show that my amendments to ensure access for the disabled and disabled veterans on federal lands in this bill are very much needed. As written, the Omnibus Lands Bill prevents and bans public access to federal lands in many ways. The recreational riding of bicycles and motor bikes is prohibited on over 2 million acres of public land. Wheelchair access to wilderness areas is effectively banned as well. Federal law does not ensure that wheelchairs capable of use in outdoor, natural areas are allowed—it only permits wheelchairs that are "suitable for use in an indoor pedestrian area." Wilderness areas and national parks are located outdoors, not indoors. Wheelchairs and similar devices that allow the disabled access to outdoor, natural areas are not ensured under existing law or this Omnibus bill. Furthermore, current federal law expressly says that accommodations for wheelchairs or the disabled in Wilderness areas are not required.

Public lands should be available for public enjoyment, and that includes for the disabled. Yet, true access for disabled veterans and all disabled Americans is not protected in this Omnibus. I proposed two amendments to explicitly ensure access for the disabled and disabled veterans to lands covered in the Omnibus bill. As you know, these amendments were blocked by you and Democrat Members of the Rules Committee.

I regret the inaccurate, false statements made about my truthfulness, and that such comments were made only after I left the hearing room. But what I most seriously regret is that the Rules Committee under your leadership refused to ensure true access for the disabled and disabled veterans for public lands in the Omnibus bill.

Sincerely,

DOC HASTINGS,  
Ranking Republican Member,  
House Natural Resources Committee.

Ms. PINGREE of Maine. Madam Speaker, I yield back the balance of my time and move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the yeas appeared to have it.

Ms. PINGREE of Maine. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

#### SPECIAL INSPECTOR GENERAL FOR THE TROUBLED ASSET RELIEF PROGRAM ACT OF 2009

Mr. MOORE of Kansas. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 383) to amend the Emergency Economic Stabilization Act of 2008 (division A of Public Law 110-343) to provide the Special Inspector General with additional authorities and responsibilities, and for other purposes.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 383

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Special Inspector General for the Troubled Asset Relief Program Act of 2009".

#### SEC. 2. AUDIT AND INVESTIGATION AUTHORITIES.

Section 121 of the Emergency Economic Stabilization Act of 2008 (division A of Public Law 110-343) is amended—

(1) in subsection (c), by adding at the end the following:

"(4)(A) Except as provided under subparagraph (B) and in addition to the duties specified in paragraphs (1), (2), and (3), the Special Inspector General shall have the authority to conduct, supervise, and coordinate an audit or investigation of any action taken under this title as the Special Inspector General determines appropriate.

"(B) Subparagraph (A) shall not apply to any action taken under section 115, 116, 117, or 125."; and

(2) in subsection (d)—

(A) in paragraph (2), by striking "subsection (c)(1)" and inserting "subsection (c)(1) and (4)"; and

(B) by adding at the end the following:

"(3) The Office of the Special Inspector General for the Troubled Asset Relief Program shall be treated as an office included under section 6(e)(3) of the Inspector General Act of 1978 (5 U.S.C. App.) relating to the exemption from the initial determination of eligibility by the Attorney General."

#### SEC. 3. PERSONNEL AUTHORITIES.

Section 121(e) of the Emergency Economic Stabilization Act of 2008 (division A of Public Law 110-343) is amended—

(1) in paragraph (1)—

(A) by inserting "(A)" after "(1)"; and

(B) by adding at the end the following:

"(B)(i) Subject to clause (ii), the Special Inspector General may exercise the authorities of subsections (b) through (i) of section 3161 of title 5, United States Code (without regard to subsection (a) of that section).

"(ii) In exercising the employment authorities under subsection (b) of section 3161 of title 5, United States Code, as provided under clause (i) of this subparagraph—

"(I) the Special Inspector General may not make any appointment on and after the date occurring 6 months after the date of enactment of the Special Inspector General for the Troubled Asset Relief Program Act of 2009;

"(II) paragraph (2) of that subsection (relating to periods of appointments) shall not apply; and

"(III) no period of appointment may exceed the date on which the Office of the Special Inspector General terminates under subsection (k)."; and

(2) by adding at the end the following:

"(5)(A) Except as provided under subparagraph (B), if an annuitant receiving an annuity from the Civil Service Retirement and